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December 13, 2007

VIA FACSIMILE

The Honorable Colleen McMahon  
United States District Judge  
United States District Courthouse  
500 Pearl Street, Room 640  
New York, New York 10007

**MEMO ENDORSED**

Re: Lee v. SONY BMG MUSIC ENTERTAINMENT, et al.  
07 CV 6733 (CM)

Dear Judge McMahon:

We are counsel for defendant SONY BMG MUSIC ENTERTAINMENT ("SONY BMG") in the above-referenced action. We were provided a copy of the Amended Complaint late last evening and have yet to formalize our engagement or meet with the client.

This morning I telephoned Michael J. Borrelli, Esq., attorney for plaintiff, to introduce myself. He advised me that the Court had scheduled a Rule 16 conference in this matter for tomorrow morning at 9:45 a.m. Mr. Borrelli further advised me that he had already submitted a letter to adjourn the conference, which was denied by the Court yesterday. SONY BMG was unaware of the conference until receiving a copy of Mr. Borrelli's letter to the Court, which was copied to Clemon Williams, Vice President of the Law Department. Mr. Williams was not appearing for SONY BMG in this action.

At the suggestion of Ms. Mariela DeJesus, I respectfully write the Court to request that Your Honor reconsider adjourning tomorrow's conference. I must participate in a telephone conference call with Justice Louis B. York at 10:00 a.m. tomorrow in connection with a matter pending in the Supreme Court of the State of New York, County of New York. Moreover, as I have not met with my client in the matter before Your Honor, I lack sufficient familiarity with the case to participate in a meaningful way. SONY BMG's response to the Amended Complaint is not due until January 2008, issue has not been joined, and the parties have not conferred pursuant to Rule 26(f), Fed. R. Civ. P.

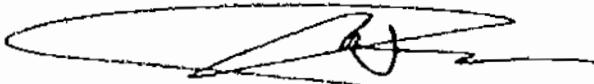
12/13/07  
Conference adjourned  
to 1/18/08 at 10:00 am  
Colleen McMahon

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December 13, 2007  
Page 2

The client representative, Wade Leak, Vice President and Associate General Counsel, whom I will be working with on this case, is out of the office until Monday, which prevents me from obtaining details beyond what is alleged in the Amended Complaint. Also, there is a question of who will be representing defendant Barbara Warnock-Morgan. It was not clear from my brief conversation last night with Mr. Leak whether my firm will be representing Ms. Warnock-Morgan.

For all of the above reasons, and those expressed by Mr. Borrelli in his earlier submission to the Court, I respectfully request that the Court grant a brief adjournment to insure a meaningful conference where all parties are represented.

Respectfully submitted,



Jonathan D. Davis

JDD:hs

cc: Michael J. Borrelli, Esq. (Via Facsimile)